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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) 2:05-CR-00034-LKK
12 Plaintiff,)
13 v.) STIPULATION AND ORDER RECALLING
14 DAVID TALCOTT USSERY,) BENCH WARRANT AND ISSUING
15 Defendant.) SUMMONS TO APPEAR
16)
17) Judge: Hon. Lawrence K. Karlton
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STIPULATION

The United States, by and through its undersigned counsel, and the defendant, by and through his counsel of record, hereby stipulate as follows:

1. On July 9, 2013, the defendant appeared before the Court on a supervised release violation petition. The Court sentenced the defendant to a term of imprisonment of time served and a fifty-two-month term of supervised release.

2. On November 4, 2013, the Probation Officer filed a supervised release violation petition and requested that the Court issue a

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1 bench warrant for the defendant's arrest. That same day, the
2 Court issued a bench warrant for the defendant's arrest.

3. On November 11, 2013, the defendant was encountered by the San
4 Francisco Police Department at a hospital in San Francisco. The
5 defendant was in the hospital on account of a heart condition
6 that required in-patient medical treatment.

7. The San Francisco Police Department notified the United States
8 Marshals Service and the Marshals Service took custody of the
9 defendant. The Marshals Service has exercised twenty-four-a-day
10 custody of the defendant since Monday, November 11.

11 5. As of November 15, 2013, the defendant remains in the hospital
12 and is unlikely to be discharged until late next week.

13 6. Given the defendant's medical condition and the need for in-
14 patient medical treatment that is not immediately available in
15 an in-custody setting, the parties request that the Court recall
16 the bench warrant and instead issue a summons commanding the
17 defendant's appearance on Monday, December 2, 2013, at 2:00 p.m.
18 before Magistrate Judge Carolyn K. Delaney.

19 7. The Federal Defender's Office previously represented the
20 defendant and requests that they be re-appointed in this case.

21 8. The Probation Officer does not join this stipulation, however,
22 the Probation Officer will not oppose the stipulation.

23 **IT IS SO STIPULATED.**

25 DATED: November 15, 2013

/s/ Justin L. Lee _____
JUSTIN L. LEE
Assistant U.S. Attorney

27 DATED: November 15, 2013

/s/ Tim Zindel _____
TIM ZINDEL
Attorney for David Talcott Ussery
(as authorized on November 14, 2013)

ORDER

Pursuant to the parties' stipulation, the bench warrant issued on November 4, 2013 as to defendant David Talcott Ussery is RECALLED. The Clerk is directed to issue a summons commanding defendant Ussery's appearance on Monday, December 2, 2013, at 2:00 p.m. before Magistrate Judge Carolyn K. Delaney. Further, the Federal Defender is re-appointed in this case.

DATED: November 15, 2013

LAWRENCE K. KARLTON
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT